

**Planning Commission Meeting
MINUTES**

March 1, 2006

The meeting was called to order at 7:06 p.m. by Chairperson Barbara Lindtner and opened with the *Pledge of Allegiance*.

Members present: Stefanie Campbell, Bobb Carson, Scott Douglas, Walt French, Pete Lamana and Barbara Lindtner. Bryan McAdam, C. Robert Wynn Associates, was present.

Planning Commission Comments - None

Approval of Minutes

Pete Lamana **moved**, Walt French **seconded**, that the minutes of the February 1, 2006, Planning Commission meeting be approved as corrected by Bobb Carson. The motion **passed** unanimously.

Public Comments (Agenda Items) - None

Sketch Plans - None

Confirmed Appointments

Rennie Lot-Line Adjustment (Township Road) – Scott Mease, Mease Engineering, PC, presented for the applicant. Barbara Lindtner recused herself from the discussion and Bobb Carson assumed the chair for the meeting.

Following a question from Bobb Carson, Barbara Lindtner commented as a resident that several previous subdivisions have taken place on this property, with the most recent involving a zoning variance which was granted to Mr. Franklin in 2000 to create a fifth lot without an internal road. Bobb Carson asked if restrictions had been placed upon the applicant at the time the variance was granted by the Zoning Hearing Board. Scott Mease said that there was a restriction that no further subdivision could take place out of TMP 42-21-6. Mr. Carson noted this restriction is required to be shown on the plan. Ms. Lindtner added that she and her husband sued the Zoning Hearing Board over their decision because they felt no hardship had been proven by the applicant. Subsequently, an out-of-court settlement was reached with Mr. Franklin which allowed him to subdivide the fifth lot in exchange for him putting 36 acres into a conservation easement with a conservancy (most likely the Heritage Conservancy). This agreement was handed down as a court order stipulating this arrangement as part of the out-of-court settlement. That conservation easement has not taken place to this date. After learning of this present plan being presented, the Lindtners have petitioned the court to compel Mr. Franklin to meet the terms of the original settlement to their claim, which is that in return for him

being permitted to develop a fifth lot without putting in an internal road Mr. Franklin must put all 36 remaining acres into a conservancy with no further subdivision permitted.

Scott Mease indicated he was not aware of this arrangement. Scott offered a 30-day extension until June 15, 2006, and will review the information he received tonight with his clients. Pete Lamana **moved** that any further discussion on this submission be **tabled** until resolution of the legal issues surrounding this plan have been resolved (dependent upon an extension being granted by the applicant); Scott Douglas **seconded**; it passed unanimously.

Barbara Lindtner resumed her position as chair of the meeting.

Scott Douglas **moved** that we obtain a legal determination from our solicitor before the Planning Commission takes any further action on this plan; Pete Lamana **seconded** the motion. It **passed** with 5 yes (Stefanie Campbell, Bobb Carson, Scott Douglas, Walt French, Pete Lamana), 1 abstain (Barbara Lindtner).

Hermo/Thornwood Quarry LLC Major Subdivision (Quarry Road) – Ed Wild, Attorney for the applicant, and Scott Mease, Engineer for the applicant, presented. The applicant, Ray Hermo, was also present.

Mr. Wild reviewed that this plan had been presented to the Planning Commission in sketch plan form 18 months ago with 6 lots proposed and a cul-de-sac in excess of 1,400 feet towards the rear of the property proposed. Following that meeting, Scott Mease revised the plan to its current form. 5 lots are currently proposed and the cul-de-sac is substantially shorter than originally proposed. Mr. Wild indicated that it would be difficult to develop this property in any fashion other than with a cul-de-sac.

Mr. Wild opened the discussion for comments from the Planning Commission. Barbara Lindtner asked if they had talked with neighbors regarding accessing the properties with a through road or an alternate cul-de-sac plan. Scott Mease responded to this by showing an expanded sketch of the plan which identified that there are a number of very steep slopes and also two adjacent property owners involved, which would make it difficult to access through neighboring properties.

Barbara Lindtner does not think the drainage basin on Lot 1 is a good design plan, because it places responsibility on the Lot 1 owner for upkeep of the basin. She asked if the detention basin could be moved to the area in the rear of the property (in Lots 4 and 5) where the PP & L lines cross the property. Scott stated that the slope of the entire property is down to where the drainage basin is now shown, and it is required to be at the low point of the property.

Of additional concern to her is the access easement to the cul-de-sac from Lot 2 that cuts across Lot 1.

Referring to the February 15, 2006, engineer's review letter, Barbara indicated concern about the fact that the plan indicates proposed clearing of trees that is in excess of the 20% clearing that is permitted in ZO Section 509.B.6.c. Scott Mease will work to adjust the plan to be in compliance.

Bobb Carson questioned that Lot 1 was not accessing the cul-de-sac shown on the new plan, which it must according to his understanding of our ordinance as pertains to a 5-lot subdivision. Scott Mease felt that the plan could be changed to accomplish this without exacerbating the problem of excess clearing of trees.

Neighbors (of Lot 2) were present and expressed concerns about placement of the adjacent septic system and its impact on their own system. They are also concerned about the impact on their well, which is only 50 feet deep, from the well that is shown on Lot 2.

The neighbors also indicated that the prior owner of this property took down a number of trees before the property was sold without obtaining a permit. There was a difference of understanding as to whether a permit had been obtained for this timber harvesting. Scott Mease met with Bryan McAdam recently and they discussed whose property the tree trunks from this timber harvesting were actually on. The concern is that the canopy will be affected by where the tree trunks are located. Scott plans to stake the tree line to determine whose property they are on.

Bryan stated that Scott Mease will need to identify trees that are near the property line on either side and determine where the drip line for those trees is in order to determine if the road can be put in.

Barbara is concerned that this tract is a very difficult site, in that the natural features of the property cannot support the amount of development being proposed on it.

Bobb Carson feels strongly that the driveway for Lot 2 should be on Lot 2, not across Lot 1 as shown on the current plan. Scott Douglas added that although he understood there were geographic issues which guided the proposed placement of the driveway on this particular plan, it would set a bad precedent to approve this.

Bryan requested that the Planning Commission comment for the applicant on the waiver request regarding curbing. Wynn's office feels that curbs should be required to help manage runoff better; our ordinance says that the township "may" require curbing. The Planning Commission concurred with the recommendation for curbing.

Bobb Carson requested that the position of wells of the adjoining properties be shown on the plan.

Mr. Wild asked for suggestions from the Commission Members for development of this 23 acre property. Barbara stated that she would be more in favor if there were not detention basins bisecting a lot and a driveway being created to access a lot which bisects another lot. Bobb Carson added that because of the natural features on this property, if one less lot was proposed, it might minimize some of the problems that have been highlighted.

Following some questions about the street improvement waiver, Bryan felt that some type of improvement should be made that would alert drivers on Quarry that a subdivision entrance was upcoming. Bobb Carson feels there should at least be a street light at the entryway to the subdivision. Stefanie Campbell is concerned that placing a

streetlight there will encourage people to use Quarry Road as a thoroughfare. The street light proposal did not receive support from the other Planning Commission Members.

No action was taken on this plan.

Keller/Schaffer LLA (Salem and Povenski Roads) – Scott Mease, Mease Engineering, presented for the applicants who were both present.

This 32+ acres site is located on Salem Road and Povenski Road within the Resource Protection Zoning District. The proposed lot line adjustment will convey 1 acre from Mrs. Schaffer to the Kellers. Mrs. Schaffer's TMP #42-4-135 will decrease from 32.038 acres to 31.038 acres, while the Keller's lands will increase from 0.437 acre to 1.437 acres. No new building lots or development activity is proposed. The area to be conveyed is partially wooded and partially open field.

Walt French **moved** that the requested waivers contained in the December 14, 2005, Mease Engineering correspondence be approved. Pete Lamana **seconded**; Bobb Carson opposed; Stefanie, Scott, Walt, Pete and Barbara voted for the motion. The motion **carried**.

Walt French **moved** that the Planning Commission recommend to the supervisors to grant preliminary/final approval subject to completion of all outstanding items as contained within the January 3, 2006, engineering review letter, and with the addition of a note indicating that any improvements to TMP 42-4-133 will require approval from the Township. Scott Douglas **seconded**. Bobb Carson opposed; Stefanie, Scott, Walt, Pete and Barbara voted for the motion. The motion **carried**.

Reese Major Subdivision (Nemeth Road/Giffort Way) – Charles Reese presented his own application.

The 14.81 acres site located within the Rural Residential Zoning District on Nemeth Road is proposed to be subdivided into three lots for use B12, single family dwelling. TMP #42-5-16 is Lot 1 of the Brink Subdivision Plan, which had received approval from the Township in 2000. The lots are to access Nemeth Road, which is to be extended by installation of a 20-foot wide paved cartway and cul-de-sac turnaround. Lot 1 contains an existing single family detached dwelling, garage and driveway.

A waiver of Subdivision Ordinance requirements was recommended for approval at the August 2, 2005, and September 2, 2005, Planning Commission meetings.

Barbara Lindtner **moved** to recommend that the supervisors grant preliminary approval, subject to completion of all outstanding items as contained in the February 23, 2006, Township Engineer's review letter. Walt French **seconded**; the motion **passed** unanimously.

Cohen-Martin Lot Line Adjustment – Michael Carr, attorney for the applicants, presented for the applicants who were also present.

This proposed lot line adjustment will convey 7.07 acres from the Cohens to the Martins. The area of TMP #42-22-20 (Cohen) will be reduced from 44.68 acres to 37.61 acres, while Martin's property will increase from 20.77 acres to 27.84 acres. The area to be conveyed is primarily an unwooded pasture/field area of the site. No new building lots or development is proposed. The parcels are located on Lehnenberg, Bodder and Harrow Roads in the Agricultural Zoning District.

Walt French **moved** that the waivers requested in the February 7, 2006, Eastburn and Gray letter be recommended for approval. Scott Douglas **seconded**; the motion **passed** unanimously.

Barbara Lindtner **moved** that the plan be recommended to the supervisors for preliminary/final approval subject to completion of all outstanding items as contained within the February 14, 2006, Township Engineer's review letter, and with the condition that note #5 found on the Peckham Subdivision Plan dated August 7, 2002, last revised December 18, 2002, be added to the plan . Pete Lamana **seconded**; the motion **passed** unanimously.

Plans to Accept for Review Only - None

New Business - None

Old Business

The 16th Joint Meeting of the Planning Commission/Board of Supervisors Zoning Revision Team is scheduled for March 16, 2006, at 7:00 p.m.

Correspondence

Attorney Jim McNamara's letter dated February 17, 2006, regarding Mondschein Major Subdivision was provided to each of the Members prior to this meeting. A ruling had been requested by the Planning Commission as to whether the January 10, 2006, plan submitted was a "revision" of their existing plan or a "new" plan. Attorney McNamara concluded that the plan was a new submission, not a revision.

Paul Dietz, Urwiler & Walter, Inc., engineer for the applicant was directed to contact Attorney McNamara if he had any further questions.

Public Comments

Patrice Ryan commented on the status of the Rolling Hills Subdivision Plan. She also expressed concern about light pollution (referencing a recent Morning Call newspaper article) and whether it is being adequately addressed in the Zoning Ordinance revision currently in progress.

Planning Commission Comments

Walt French again reminded the Members of the decision made several years ago to take action on plans which have not had any activity for a year. He expressed concern about

the frequent extensions being granted from applicants on plans that have not had any activity for a long time. He asked Bryan whether plans nearing the one year period of no activity could somehow be identified on the *Pending Plans/Miscellaneous Business* listing that the Members receive each month. This would permit the Planning Commission to direct the Recording Secretary to send a letter to applicants and their engineers that their plans will be placed on the Planning Commission agenda the following month for action.

Adjournment

At 10:00 p.m., Barbara Lindtner **moved** to adjourn the meeting; Walt French **seconded** the motion and it **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt, Secretary
Next Meeting: April 5, 2006
(Minutes approved as corrected 4-5-06)